

SENATE BILL No. 8

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-1.

Synopsis: Battery on a sports official. Increases the penalty for battery if it is committed against a person certified as a referee, umpire, or athletic official.

Effective: July 1, 2014.

Randolph

January 7, 2014, read first time and referred to Committee on Corrections & Criminal Law.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 8

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-42-2-1, AS AMENDED BY P.L.158-2013,
2 SECTION 420, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this section,
4 "public safety **or athletic** official" means:
5 (1) a law enforcement officer, including an alcoholic beverage
6 enforcement officer;
7 (2) an employee of a penal facility or a juvenile detention facility
8 (as defined in IC 31-9-2-71);
9 (3) an employee of the department of correction;
10 (4) a probation officer;
11 (5) a parole officer;
12 (6) a community corrections worker;
13 (7) a home detention officer;
14 (8) a department of child services employee;
15 (9) a firefighter; **or**
16 (10) an emergency medical services provider; **or**



1 **(11) a person serving as:**

2 **(A) a referee;**

3 **(B) an umpire; or**

4 **(C) an official;**

5 **at an athletic event, if the person has been certified as a**
 6 **referee, umpire, or official by a national certification**
 7 **program.**

8 (b) Except as provided in subsections (c) through (j), a person who
 9 knowingly or intentionally:

10 (1) touches another person in a rude, insolent, or angry manner;
 11 or

12 (2) in a rude, insolent, or angry manner places any bodily fluid or
 13 waste on another person;

14 commits battery, a Class B misdemeanor.

15 (c) The offense described in subsection (b)(1) or (b)(2) is a Class A
 16 misdemeanor if it results in bodily injury to any other person.

17 (d) The offense described in subsection (b)(1) or (b)(2) is a Level 6
 18 felony if one (1) or more of the following apply:

19 (1) The offense results in moderate bodily injury to any other
 20 person.

21 (2) The offense is committed against a public safety **or athletic**
 22 official while the official is engaged in the official's official duty.

23 (3) The offense is committed against a person less than fourteen
 24 (14) years of age and is committed by a person at least eighteen
 25 (18) years of age.

26 (4) The offense is committed against a person of any age who has
 27 a mental or physical disability and is committed by a person
 28 having the care of the person with the mental or physical
 29 disability, whether the care is assumed voluntarily or because of
 30 a legal obligation.

31 (5) The offense is committed against an endangered adult (as
 32 defined in IC 12-10-3-2).

33 (6) The offense is committed against a family or household
 34 member (as defined in IC 35-31.5-2-128) if the person who
 35 committed the offense:

36 (A) is at least eighteen (18) years of age; and

37 (B) committed the offense in the physical presence of a child
 38 less than sixteen (16) years of age, knowing that the child was
 39 present and might be able to see or hear the offense.

40 (e) The offense described in subsection (b)(2) is a Level 6 felony if
 41 the person knew or recklessly failed to know that the bodily fluid or
 42 waste placed on another person was infected with hepatitis,



tuberculosis, or human immunodeficiency virus.

(f) The offense described in subsection (b)(1) or (b)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.

(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for battery against the same victim.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety **or athletic** official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

(g) The offense described in subsection (b)(2) is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety **or athletic** official.

(h) The offense described in subsection (b)(1) or (b)(2) is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

(i) The offense described in subsection (b)(1) or (b)(2) is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(j) The offense described in subsection (b)(1) or (b)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) An endangered adult (as defined in IC 12-10-3-2).

